REMARKS

The Office Action mailed March 9, 2006 has been carefully considered. Claims 1-9 and 11-20 are previously pending and all pending claims stand rejected. Claims 1, 6-8, 11-13, 16-17 and 20 have been amended and the support for these amendments can be found in the specification and the claims of the application as filed. No new matter has been added. Claims 1-9 and 11-20 are currently pending in the application.

Applicants respectfully request entry of the foregoing Amendments and reconsideration of the present application in light of the amendments above and the remarks below.

Record of Interview

On May 9, 2006, an informal interview was conducted by telephone between Examiner Harold and Jim Wu, Reg. No. 45,241. Applicants thank the Examiner for granting this interview. Examiner Harold and Jim Wu substantively discussed the claimed invention, proposed reply and references. Examiner Harold agreed to further review the proposed reply in view of the references and the discussion of interview. No final agreement was reached at the interview.

The First 35 U.S.C. § 103 Rejection

Claims 1-6, 8-9 and 11-20 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Ellis[1] in view of Yun[2]. Without admitting that Ellis and Yun are prior art and reserving the right to establish that they are not, this rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

[1] U.S. Patent No. 6,661,890.
[2] U.S. Patent No. 6,084,959.

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.[3]

In order to expedite the allowance of the present application, the Applicants have decided to amend independent claims to further particularly point out and distinctly claim subject matter regarded as the invention. For example, amended Claim 1 of the present invention recites in part:

> a ringer option switch, coupled to said microprocessor, having a crescendo setting that signals the microprocessor to generate ringer control signals corresponding to the electric ring signals of the singular incoming telephone call, wherein the ringer control signals include tone ringer information.

(Emphasis added). In other words, the ringer control signals generated by the microprocessor include information relating to tone ringer. In contrast, neither Ellis nor Yun nor a combination of both discloses or teaches that a signal generated by a microprocessor contains information relating to tone ringer. Yun essentially states that:

> When a ring signal is applied via the telephone line, tone ringer 10 controls the ring volume and generates the ring tone, thereby outputting the generated ring tone. At this time, if the ring signal is detected from the ring detector 12, CPU 16 controls MUX 18, thereby selecting the level of the ring tone generated from the tone ringer 10 and then, the selected output level is provided to speaker 22 via amplifier 20.

Col. 3, lines 19 to 27 of Yun. Yun essentially discloses a CPU that controls volume of the ring tone. Since Ellis together with Yun still fail to show all of the claim limitations or equivalents

[3] M.P.E.P § 2143.

listed in Claim 1 of the present invention, Claim 1 should be patentable over Ellis in view of Yun under §103.

Since Claim 6 contains similar limitations as Claim 1, Claim 6 should also be patentable over Ellis and Yun under §103. If independent claims are valid, the claims that depend from the independent claims should also be valid as matter of law. See Jenric/Pentron, Inc. v. Dillon Co., 205 F. 3d 1377, 1382 (Fed. Cir. 2000). Since Claims 2-5 depend from allowable independent Claim 1, Claims 2-5 should also be patentable over Ellis and Yun under § 103.

Amended Claim 8 recites in part,

> an audible ring generating device, operable to generate a succession of audible ring signals characterized by a gradually increasing volume, . . . wherein the telephone ringer apparatus is configured to operate within a power range supported by the tip and ring terminals of said telephone;

Emphasis added. In other words, the telephone ringer apparatus claimed in Claim 8 does not require an external power supply to perform its functions. See Figure 2 of the present application.

Contrary to the presently claimed invention, neither Ellis nor Yun nor a combination of Ellis and Yun discloses or teaches a telephone ringer apparatus that operates within a power range supported by the tip and ring terminals of the telephone. At least for this reason, Claim 8 is patentable over Ellis in view of Yun under §103. Since Claims 11-13, 16-17 and 20 contain similar limitations as Claim 8, Claims 11-13, 16-17 and 20 should also be patentable over Ellis and Yun under §103. Since Claims 9, 14-15, 18-19 depend from allowable independent Claims 8, 13, and16-17, Claims 9, 14-15, 18-19 should also be patentable as matter of law.

The Second 35 U.S.C. § 103 Rejection

Claim 7 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Ellis in view of Yun and in further view of Hoashi et al.[4] Without admitting that Ellis and Yun and Hoashi are prior art and reserving the right to establish that they are not, this rejection is respectfully traversed.

The amended Claim 7 includes similar limitations as Claim 1. For the similar reasons as Claim 1 stated above, neither Ellis nor Yun nor Hoashi nor a combination of three discloses or teaches that a signal generated by a microprocessor contains information relating to tone ringer. At least for this reason, Claim 7 should be patentable over Ellis in view of Yun and Hoashi.

Request for Entry of Amendment

Entry of this Amendment will place the Application in better condition for allowance, or at the least, narrow any issues for an appeal. Accordingly, entry of this Amendment is appropriate and is respectfully requested.

Conclusion

Based on all of the above, Applicants believe all claims now pending in the present application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

[4] U.S. Patent No. 5,870,684.

No additional fees are believed to be due at this time. However, please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Applicants thank the Examiner for carefully examining the present application and if a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Jim Wu at (408)282-1885.

Respectfully submitted,

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